

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sophia Manuel	Team: Team # 4	CCRB Case #: 201400204	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 12/11/2013 3:39 PM	Location of Incident: Gates Avenue and Tompkins Avenue	Precinct: 79	18 Mo. SOL 6/11/2015	EO SOL 6/11/2015	
Date/Time CV Reported Tue, 01/07/2014 1:13 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Tue, 01/07/2014 1:14 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Maurice Fyffe	27871	936629	079 PCT
2. POM Sean Inman	03735	903141	079 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Derrick Garcia	04112	922393	079 PCT
2. POM Keith Machtel	16928	945940	DB SVD
3. POM Mikal Wright	21551	934265	PBBN TF

Officer(s)	Allegation	Investigator Recommendation
A.POM Maurice Fyffe	Abuse: PO Maurice Fyffe detained § 87(2)(b)	
B.POM Sean Inman	Abuse: PO Sean Inman threatened to arrest § 87(2)(b)	

Case Summary

On January 7, 2014, § 87(2)(b) filed this complaint online at NYC.gov (encl. 4-9). On December 11, 2013, § 87(2)(b) called 911 after § 87(2)(b) allegedly menaced him with a knife. PO Maurice Fyffe of the 79th Precinct arrested § 87(2)(b) at Gates Avenue and Tompkins Avenue in Brooklyn. The following allegations resulted:

- **Allegation A – Abuse of Authority: PO Maurice Fyffe detained** § 87(2)(b)
- **Allegation B – Abuse of Authority: PO Sean Inman threatened to arrest** § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b) rejected mediation.

Results of Investigation

Civilian Statement

Complainant/Victim: § 87(2)(b)

- § 87(2)(b) *refused to provide his pedigree information. He is a black male.*

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on February 5, 2014 (encl. 10-15). His testimony was consistent with his written statement to the CCRB on January 7, 2014 (encl. 4-7). On December 11, 2013, at approximately 3:00 p.m., § 87(2)(b) was in front of his home, located at 561 Gates Avenue in Brooklyn. An individual, identified by the investigation as § 87(2)(b) pulled out a knife on him. § 87(2)(b) called 911. While he waited for officers to arrive, he saw § 87(2)(b) enter a store at the corner of Gates Avenue and Tompkins Avenue.

Two marked police cars and one marked police van arrived after several minutes. Between 7 and 12 uniformed officers exited the vehicles. § 87(2)(b) approached the officers and said to one of them, “I’m the person who called 911. The perpetrator is in the store at this corner.” The officers and § 87(2)(b) waited outside the store. § 87(2)(b) exited the store, and § 87(2)(b) said, “That’s the person.” One of the officers, he did not know which, grabbed her, put his hand in her pockets, and found the knife. An officer handcuffed her.

An officer, who § 87(2)(b) could not describe, and who was identified by the investigation as PO Maurice Fyffe of the 79th Precinct, asked § 87(2)(b) for his identification. § 87(2)(b) complied. § 87(2)(b) lost sight of his identification. He said to several officers, who he could not describe, “I would like my ID back. Who has my ID?” They said they did not know.

Although § 87(2)(b) did not know which officer initially took his identification, he said that an officer who he identified as PO Fyffe took responsibility for the arrest at this point. § 87(2)(b) described PO Fyffe as a slim, 6’0” to 6’2” tall, black male in his thirties whose name plate read, “Fyffe.” PO Fyffe said, “I’ll take it.” § 87(2)(b) assumed that PO Fyffe was referring to the arrest of § 87(2)(b) asked PO Fyffe and three or four other officers to return his identification. The officers refused. An officer who § 87(2)(b) could not describe and who may have been PO Fyffe said, “You will get this at the station.” § 87(2)(b) said, “Wait a minute. I can come by there later, because I’m right in the middle of doing something.” § 87(2)(b) said he would go to the stationhouse “shortly.” The officer said, “No, you have to come to the station right now.”

Six officers, none of whom were PO Fyffe, surrounded § 87(2)(b) and walked him to the stationhouse. § 87(2)(b) did not want to go to the stationhouse because he had left groceries on the kitchen table and he had work to do. When they passed his house, he said, "I know the station is a few blocks away from here, but I have really something else to do." A male officer with olive skin, who may have been Hispanic or Arab, 5'10" tall and 185 pounds, in his forties, identified by the investigation as PO Sean Inman, said, "Well if you don't come with us, then we will arrest you for making a false complaint." § 87(2)(b) said, "How are you going to arrest me for making a false complaint? You can see that my complaint is real. You searched the individual. You found the weapon. How could I be then arrested for a false complaint?" PO Inman said, "If you do not come with us right now, then you will be arrested."

§ 87(2)(b) continued to walk with the officers to the stationhouse because he did not want to be arrested and because he wanted his identification back.

At the stationhouse, § 87(2)(b) was told to wait. Officers said that as soon as they finished photocopying and filling out their report, they would return his identification. Officers, including PO Fyffe, filled out paperwork and photocopied his identification without asking for permission. PO Fyffe interviewed § 87(2)(b). After § 87(2)(b) had been in the stationhouse for several minutes, an officer returned his identification, and § 87(2)(b) left.

Attempts to Contact Civilian

Multiple attempts were made to contact § 87(2)(b). Her arrest report included an address but no phone number. A Lexis Nexis search did not yield any results. On July 24, 2014, a first please call letter was mailed to § 87(2)(b) at the address listed on her arrest report. On August 6, 2014, a final please call letter was mailed to § 87(2)(b). Neither letter was returned to the CCRB by the United States Postal Service. § 87(2)(b) did not contact the CCRB.

NYPD Statements:

Subject Officer: PO MAURICE FYFFE

- *At the time of the incident, PO Fyffe was § 87(2)(b).*
- *On December 11, 2013, PO Fyffe worked from 3:00 p.m. to 11:35 p.m., assigned to patrol Sector ABGM in the 79th Precinct with PO Inman. PO Fyffe was in uniform and on foot.*

Memo Book

PO Fyffe wrote the following entries in his memo book: at 3:43 p.m., he received a call regarding a dispute at Tomkins Avenue and Gates Avenue. At 3:44 p.m., he arrived at the location. At 3:49 p.m., he made an arrest. At 3:53 p.m., he arrived at the stationhouse. The ready time was 6:36 p.m. (encl. 17-18).

CCRB Statement

PO Fyffe was interviewed at the CCRB on February 26, 2014 (encl. 20-22). On December 11, 2013, at approximately 3:43 p.m., PO Fyffe received a radio run regarding a dispute with a knife on Tompkins Avenue and Gates Avenue. He and PO Inman walked to the location from the stationhouse because it was two blocks away. When they arrived, § 87(2)(b) told them that a female pulled a knife on him and was in a store. PO Fyffe asked for a description of the knife. § 87(2)(b) described the knife. The female, identified by the investigation as § 87(2)(b), exited the store. PO Fyffe asked her if she had a knife. She said yes and removed it from her pocket. She said she had an argument. PO Fyffe did not ask her any other questions. The knife fit the description provided by § 87(2)(b). It was a small, foldable knife, which is legal to carry.

PO Fyffe decided to arrest § 87(2)(b) for menacing. He placed her in handcuffs. He called for someone to drive them back to the stationhouse.

PO Fyffe asked for § 87(2)(b)'s identification because he needed it to fill out the report. § 87(2)(b) said that he had to go. He asked, "Why do I have to give you my ID?" PO Fyffe said, "Sir we just arrested somebody. We need to do the paperwork. Let me get your ID. I'll meet you back at the precinct. After I'm finished, you can be done." § 87(2)(b) asked, "Why do I have to come to the stationhouse? I have something to do." PO Fyffe said, "You called us and had someone arrested, so you have to come back to the precinct so I can get your statement." § 87(2)(b) gave PO Fyffe his identification.

PO Fyffe could not have arrested § 87(2)(b) without a statement from § 87(2)(b) because there needed to be a complainant. If this had been an anonymous complaint, § 87(2)(b) would not have been arrested. § 87(2)(b) was required to provide his identification to PO Fyffe because § 87(2)(b) wanted someone arrested and because PO Fyffe needed to verify who § 87(2)(b) was. If § 87(2)(b) had not provided his identification, then § 87(2)(b) would not have been arrested. § 87(2)(b) could not have been arrested for refusing to provide his identification or refusing to go to the stationhouse.

After receiving the identification, PO Fyffe concentrated on § 87(2)(b) and did not interact with § 87(2)(b). Sgt. Garcia arrived in a marked car with his unidentified driver, either before or after § 87(2)(b) gave PO Fyffe his identification, but after § 87(2)(b) was handcuffed. Sgt. Garcia did not have any interaction with § 87(2)(b) or § 87(2)(b). Sgt. Garcia asked PO Fyffe what happened and verified the arrest.

PO Fyffe did not recall § 87(2)(b) asking for his identification back while on the scene. He did not recall another officer telling him that § 87(2)(b) wanted his identification back.

A marked van arrived and picked up PO Fyffe and § 87(2)(b). PO Fyffe did not recall which officers came in the van. Because he knew that § 87(2)(b) was going to meet him at stationhouse, PO Fyffe kept § 87(2)(b)'s identification. They drove back to the stationhouse. PO Inman and § 87(2)(b) walked to the stationhouse together. PO Fyffe did not know whether any other officers walked with them.

At the stationhouse, § 87(2)(b) was upset that he had to wait for PO Fyffe. He said he needed his identification and had somewhere to go. PO Fyffe said that he had to do the arrest process, including lodging § 87(2)(b) and writing the report. PO Fyffe said that as soon as he was done, PO Fyffe would get a statement from § 87(2)(b) and return the identification. Then § 87(2)(b) could leave. He said that a lawyer would also call § 87(2)(b) and ask him what happened. § 87(2)(b) said okay.

PO Fyffe lodged § 87(2)(b) and interviewed § 87(2)(b). PO Fyffe wrote the report and returned the identification. § 87(2)(b) left.

Subject Officer: PO SEAN INMAN

- *At the time of the incident, PO Inman was § 87(2)(b)*
- *On December 11, 2013, he worked from 3:00 p.m. to 11:35 p.m., assigned to Sector A in the 79th Precinct with PO Fyffe. He was in uniform and on foot.*

Memo Book

PO Inman wrote the following entries in his memo book: At 3:40 p.m., he responded to a call regarding a knife at Gates Avenue and Tompkins Avenue in Brooklyn. At 4:00 p.m., PO Fyffe arrested one person. At 7:30 p.m., PO Inman resumed patrol (encl. 23-24).

CCRB Statement

PO Inman was interviewed at the CCRB on April 3, 2014 (encl. 26-28). On December 11, 2013, PO Inman and PO Fyffe received a call regarding a woman menacing a man with a knife at Gates Avenue and Tompkins Avenue in Brooklyn. They were at the stationhouse, which was two blocks from the incident location, so they walked there. They were met at the location by a marked police van. PO Inman did not recall which officers were in the van. He assumed a sergeant came to supervise the arrest, but he did not know who. He did not recall whether Sgt. Garcia or PO Richards were present. He thought four or five officers responded in total.

PO Inman met § 87(2)(b) and asked him where the perpetrator was. § 87(2)(b) pointed to § 87(2)(b) who was exiting a store. PO Inman approached her and asked if she knew § 87(2)(b). She said she did. He asked if she had a knife. She said she had a knife in her right pocket. PO Inman removed the knife from her pocket. It was a folded knife that would have extended to about five inches when open. He did not examine it closely, but he thought the blade might have been longer than that which people are allowed to legally carry. However, PO Inman could not have arrested her only for the knife because the way that he recovered the knife may not have been lawful under search and seizure laws without § 87(2)(b)'s complaint.

PO Inman handcuffed § 87(2)(b). She was transported back to the stationhouse, but he did not recall who took her. He did not recall any police vehicles on the scene besides the van.

PO Inman was not sure what PO Fyffe did while PO Inman was interacting with § 87(2)(b). PO Fyffe might have been keeping back the five people who had gathered around the officers.

PO Inman told § 87(2)(b) "Meet us at the precinct because you have to do a complaint." § 87(2)(b) did not want to come to the stationhouse. PO Inman told him that the officers could not remove § 87(2)(b) without § 87(2)(b)'s statement at the stationhouse. Other officers also explained this to § 87(2)(b). § 87(2)(b) agreed to come to the stationhouse.

If § 87(2)(b) had refused to go to the stationhouse, the officers would have had to release § 87(2)(b) because they would not have had a complainant. § 87(2)(b) could not have been arrested for refusing to go to the stationhouse, unless a police investigation determined that he had made a false statement. PO Inman suspected that § 87(2)(b) had made a false statement because PO Inman is always suspicious and also because he had heard an unidentified person mention that § 87(2)(b) had been in a relationship with § 87(2)(b). PO Inman did not take a statement or name from this person and did not convey that information to anyone.

PO Inman never said out loud to § 87(2)(b) that he suspected that § 87(2)(b) made a false statement. PO Inman never said that § 87(2)(b) would be arrested for making a false complaint or statement if he did not go to the stationhouse. He did not recall any other officer saying anything about a false complaint or telling § 87(2)(b) that he would be arrested if he did not go to the stationhouse. PO Inman told § 87(2)(b) that if he did not want to make a complaint, he did not have to, and the officers would release § 87(2)(b).

At no point did PO Inman have § 87(2)(b)'s identification. He did not recall seeing PO Fyffe obtain or hold § 87(2)(b)'s identification. PO Fyffe asked § 87(2)(b) for identification at some point, but PO Inman did not recall § 87(2)(b)'s response or whether he complied.

PO Inman, PO Fyffe, and § 87(2)(b) walked to the stationhouse together. PO Inman and PO Fyffe walked on either side of § 87(2)(b). PO Inman did not recall any other officers walking back with them. As they walked, § 87(2)(b) was upset that he had to go to the stationhouse to make a complaint. He thought that just making the allegation against § 87(2)(b) was enough. PO Inman explained the process to § 87(2)(b) – in order for § 87(2)(b) to be arrested, § 87(2)(b) would have to "swear out a complaint," because if the case eventually went to court, they would look at that "accusatory instrument." PO Inman again told § 87(2)(b) that if he did not want to make a complaint, he did not have to, and the officers would release § 87(2)(b). § 87(2)(b) continued walking with the officers to the stationhouse.

PO Inman did not recall ever hearing § 87(2)(b) ask him or PO Inman to return his identification. PO Inman did not recall hearing PO Fyffe tell § 87(2)(b) that he would get his identification back at the stationhouse.

At the stationhouse, PO Inman did not interact with § 87(2)(b). He did not hear § 87(2)(b) ask anyone for his identification.

Witness Officer: SGT DERRICK GARCIA

- *At the time of the incident, Sgt. Garcia was § 87(2)(b)*
- *On December 11, 2013, he worked from 2:50 p.m. to 11:47 p.m., assigned as the Patrol Supervisor in the 79th Precinct with PO Karl Richards. He was in uniform and assigned to marked RMP number 4434.*

Memo Book

Sgt. Garcia wrote the following entries in his memo book: at 3:40 p.m., he verified an arrest at Gates Avenue and Tompkins Avenue in Brooklyn. At 3:50 p.m., an arrest was made at Gates Avenue and Tompkins Avenue by Sector A in the 79th Precinct regarding a menacing (encl. 29-31).

CCRB Statement

Sgt. Garcia was interviewed at the CCRB on April 4, 2014 (encl. 33-34). At 3:40 p.m. on December 11, 2013, Sgt. Garcia received a call requesting that he verify an arrest. Sgt. Garcia walked the two blocks from the stationhouse to Gates Avenue and Tompkins Avenue because his car had not come yet. PO Richards remained at the stationhouse. Sgt. Garcia met PO Fyffe and PO Inman. There may also have been a marked police van with other unidentified officers.

Officers (Sgt. Garcia did not recall which) were talking to § 87(2)(b) and § 87(2)(b). PO Inman or PO Fyffe told Sgt. Garcia that § 87(2)(b) accused § 87(2)(b) of menacing him. Sgt. Garcia did not recall the details. Sgt. Garcia entered a nearby store, where he interviewed two witnesses. He did not recall what they said, but they corroborated the story that the officers had told him. Sgt. Garcia did not write down the witnesses' names or statements. He did not know whether any other officer took their information. He thought that he spoke with § 87(2)(b) or § 87(2)(b) but he did not recall what they discussed. He did not recall if he saw a knife or heard anything about a knife. He authorized the officers to arrest § 87(2)(b) for menacing § 87(2)(b).

Sgt. Garcia assumed he instructed officers to return to the stationhouse with the complainant and prisoner. § 87(2)(b) needed to go back to the stationhouse because he was the complainant of a crime, so the officers needed his pedigree information and statement. Sgt. Garcia did not recall whether he directly told § 87(2)(b) that he needed to go back to the stationhouse.

Sgt. Garcia did not recall whether he ever held § 87(2)(b)'s identification. He did not recall whether any other officer ever held § 87(2)(b)'s identification on the scene. He did not recall seeing § 87(2)(b)'s identification at any point. He did not recall § 87(2)(b) asking Sgt. Garcia or any officer where his identification was or asking for it back. Sgt. Garcia did not recall § 87(2)(b) saying that he did not want to go to the stationhouse or that he would go later. Sgt. Garcia did not recall hearing an officer tell § 87(2)(b) that he would be arrested for filing a false complaint if he did not go back to the stationhouse.

Sgt. Garcia walked back to the stationhouse alone. The other officers and § 87(2)(b) were still on the scene when he left. He did not recall seeing § 87(2)(b) or § 87(2)(b) at the stationhouse. He did not recall hearing § 87(2)(b) ask for his identification back at the stationhouse.

Witness Officer: PO MIKAL WRIGHT

- *At the time of the incident, PO Wright was § 87(2)(b)*
- *On December 11, 2013, PO Wright worked from 9:30 a.m. to 6:05 p.m., assigned to Conditions in the 79th Precinct with PO Machtel. They were in uniform and assigned to marked van 8806. No other officers were assigned to the van. PO Machtel was the driver.*

Memo Book

PO Wright wrote the following entries in his memo book: at 3:49 p.m., he transported one female from Gates Avenue and Tompkins Avenue to the 79th Precinct. At 3:52 p.m., the female was out of the vehicle (encl. 35-37).

CCRB Statement

PO Wright was interviewed at the CCRB on September 25, 2014 (encl. 38-39). Besides what was written in his memo book, he did not have any independent recollection of the incident. At approximately 3:49 p.m. on December 11, 2013, PO Wright heard a request for assistance by officers over the radio at Gates Avenue and Tompkins Avenue in Brooklyn. He and PO Machtel responded to the location. There were many people on the street. He did not recall PO Fyffe being on the scene. He did not recall which officers were on scene or how many there were. PO Wright assumed that he and PO Machtel exited the vehicle to help place the prisoner in the van. He did not recall speaking with any officers or civilians on scene. He did not recognize § 87(2)(b)'s arrest photo. He did not recall seeing § 87(2)(b). He did not recall § 87(2)(b) or a male complainant on the scene being asked to go to the stationhouse to provide a statement. He did not hear any officer tell § 87(2)(b) that he would be arrested if he did not go to the stationhouse. He did not hear § 87(2)(b) or anyone ask where his identification was. PO Wright did not recall anyone on the scene asking him any questions.

After PO Wright brought the prisoner back to the stationhouse, he performed administrative duties upstairs. He did not see § 87(2)(b) or § 87(2)(b) at the stationhouse.

Witness Officer: PO KEITH MACHTEL

- *At the time of the incident, PO Machtel was § 87(2)(b)*
- *On December 11, 2013, PO Machtel worked from 9:30 a.m. to 6:05 p.m., assigned to Conditions with PO Wright. They were in uniform and assigned to marked van 8806.*

Memo Book

PO Machtel did not have any entries in his memo book regarding the incident. At 3:00 p.m., he reported to the stationhouse for Special Operations. At 3:30 p.m., he did Domestic Violence paperwork. His next entry was the end of his tour at 6:05 p.m. (encl. 50-51).

CCRB Statement

PO Machtel was interviewed at the CCRB on October 8, 2014 (encl. 52-53). PO Machtel did not have any recollection of the incident. He was in the stationhouse doing paperwork with the Special Operations Lieutenant at the time of the incident. He and PO Wright might have split up when PO Wright went to pick up § 87(2)(b). PO Machtel did not recall transporting § 87(2)(b) to the stationhouse with PO Wright. PO Machtel said that § 87(2)(b)'s arrest photo looked "a little bit" familiar, but he did not recall the context in which he saw her. He may have seen her "passing by." PO Machtel did not recall responding to Gates Avenue and Tompkins Avenue. He did not recall seeing § 87(2)(b) at the stationhouse. He did not recall ever hearing § 87(2)(b).

complaining that he wanted his identification back.

While PO Machtel was doing Special Operations, he would either have been in the Domestic Violence office, which is in the back of the first floor, or in his own office, which is upstairs. It is not possible to see the 124 room or the desk from either office.

Additional Officers Interviewed

PO Shaunte Knight was interviewed at the CCRB on July 2, 2014, because she was listed in the roll call as assigned to a marked van at the time of the incident. According to PO Knight's testimony and memo book, at the time of the incident, she was assigned to a foot post on Marcy Avenue on December 11, 2013. At 4:00 p.m., she responded to a dispute at Marcy Avenue and Park Avenue. She did not respond to Gates Avenue and Tompkins Avenue (encl. 40-43).

PO Sean Nurse was interviewed at the CCRB on September 11, 2014, because he was listed in the roll call as assigned to Conditions in marked van 8806. According to PO Nurse's testimony and memo book, on December 11, 2013, he was actually assigned to marked car number 3214 with PO Kadia Saunders and PO Frances Urena. At 1:20 p.m., PO Nurse made an arrest. He returned to the stationhouse, where he processed the arrest until the end of his tour. He did not recognize § 87(2)(b)'s arrest photo or recall seeing § 87(2)(b) at the stationhouse (encl. 44-49).

NYPD Documents

Arrest Report

At 3:49 p.m. on December 11, 2013, PO Fyffe arrested § 87(2)(b) at the corner of Gates Avenue and Tompkins Avenue in Brooklyn for menacing in the second degree with a weapon and for criminal possession of a weapon in the fourth degree. The complainant/victim stated that at 3:00 p.m. that day, § 87(2)(b) pulled out a knife on him after he had a verbal dispute with § 87(2)(b)'s girlfriend. § 87(2)(b) and the victim did not know each other. § 87(2)(b) used or displayed a knife (encl. 60-62).

Complaint Report

PO Fyffe was the reporting/investigating officer for complaint number § 87(2)(b), in which § 87(2)(b) stated that at 3:00 p.m. on December 11, 2013, in front of 561 Gates Avenue in Brooklyn, § 87(2)(b) got into an argument with him for talking to § 87(2)(b)'s girlfriend. § 87(2)(b) pulled a knife out on § 87(2)(b) and waved the knife at him in a threatening manner. The offense was menacing. Sgt. Garcia was the supervisor on scene. A canvass was conducted. § 87(2)(b) was arrested (encl. 63-64).

NYPD Event

Event number § 87(2)(b) was generated when § 87(2)(b) called 911 at 3:38 p.m. on December 11, 2013, and stated that someone pulled out a knife on him at Gates Avenue and Tompkins Avenue in Brooklyn. He was not injured. Unit 79A from Tour 3 was dispatched at 3:43 p.m. 79ST1 was dispatched at 3:44 p.m. At 3:49 p.m., Unit 79A arrested one person. A Conditions unit was dispatched at 3:51 p.m. The Conditions unit picked up a female at 3:52 p.m. The female was out of the Conditions vehicle at 4:02 p.m. At 4:22 p.m., Unit 79A reported to the stationhouse (encl. 56-59).

Roll Call/Memo Books

According to the roll call from the 79th Precinct, on December 11, 2013, PO Mikal Wright and PO Keith Machtel were assigned to marked car 3214 from 9:30 a.m. to 6:05 p.m.,

however their memo books state that they were assigned to marked van 8806. Their memo books did not mention the incident. PO Sean Nurse, PO Kadia Saunders, and PO Frances Urena were listed as assigned to marked van 8806, but their memo books say they were actually assigned to marked car 3214. Their memo books did not mention the incident. Sgt. Derrick was assigned as supervisor from 2:50 p.m. to 11:47 p.m. He was in marked car 4434, which was operated by PO Karl Richards. From 3:00 p.m. to 11:35 p.m., PO Fyffe and PO Inman were assigned to Sector ABGM in marked car 4639 (encl. 67-94).

Status of Civil Proceedings

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of June 6, 2014, with regard to the incident (encl. 96).

§ 87(2)(c)

Civilian CCRB History

- This is the first CCRB complaint filed by § 87(2)(b) (encl. 3).

Subject Officers CCRB History

- PO Sean Inman has been a member of the service for 21 years and there are no substantiated CCRB allegations against him (encl. 1).
- PO Maurice Fyffe has been a member of the service for nine years and there is one substantiated CCRB allegation against him:
 - In case number 200613946, a strip search allegation was substantiated. The board recommended charges. The NYPD issued command discipline (encl. 2).

Conclusion

Identification of Subject Officers

- PO Fyffe acknowledged taking § 87(2)(b)'s identification from him and keeping it until they met at the stationhouse. Allegation A is, therefore, pleaded against PO Fyffe.
- § 87(2)(b) alleged that a male officer with olive skin, who may have been Hispanic or Arab, 5'10" tall and 185 pounds, in his forties, threatened to arrest him when § 87(2)(b) complained that he did not want to go to the stationhouse as they walked back to the stationhouse together. PO Inman stated that he walked back to the stationhouse with § 87(2)(b) and that they had a conversation in which § 87(2)(b) complained that he did not want to go to the stationhouse. No other officer acknowledged walking back to the stationhouse with § 87(2)(b). In his MOS photo, PO Inman appears to be a light-skinned black male. He is 47 years old, 5'11" tall and 200 pounds. Because PO Inman somewhat fits the description provided by § 87(2)(b) and because he described a conversation which was similar to the context in which § 87(2)(b) alleged that an officer threatened to arrest him, Allegation B is pleaded against PO Inman.

Investigative Findings and Recommendations

Allegation A – PO Maurice Fyffe detained § 87(2)(b)

It is undisputed that PO Fyffe took § 87(2)(b)'s identification at the scene of the arrest and did not return it to him until after he took § 87(2)(b)'s statement at the stationhouse. The

details surrounding this action and whether it constituted detainment are in dispute.

§ 87(2)(b) testified that an officer asked him for his identification. § 87(2)(b) complied. The officer kept his identification, and § 87(2)(b) lost sight of it in the crowd of officers. He asked several officers for his identification, but they did not know where it was. PO Fyffe then said he would take the arrest of § 87(2)(b) asked PO Fyffe and several officers to return his identification. The officers refused. An officer who § 87(2)(b) could not describe told § 87(2)(b) “You will get this at the station.” § 87(2)(b) said he would go to the stationhouse later. The officer said, “No, you have to come to the station right now.” Because the officers had his identification and insisted he go to the stationhouse, § 87(2)(b) walked with them to the stationhouse even though he preferred to go later on because he had something to do. He met PO Fyffe at the stationhouse, where he waited for PO Fyffe to process the arrest and interview him before PO Fyffe returned the identification.

PO Fyffe testified that he asked § 87(2)(b) for his identification. § 87(2)(b) asked why he had to provide it. PO Fyffe said, “Sir, we just arrested somebody. We need to do the paperwork. Let me get your ID. I’ll meet you back at the precinct. After I’m finished, you can be done.” § 87(2)(b) said, “Why do I have to come to the stationhouse? I have something to do.” PO Fyffe said, “You called us and had someone arrested, so you have to come back to the precinct so I can get your statement.” § 87(2)(b) provided his identification to PO Fyffe, who went to deal with § 87(2)(b) and had no further interaction with § 87(2)(b) until they met at the stationhouse. At the stationhouse, § 87(2)(b) said that he needed his identification and had somewhere to go. PO Fyffe said that he had to do the arrest process and interview § 87(2)(b). When those tasks were complete, he would return the identification to § 87(2)(b) and he could leave. § 87(2)(b) said okay.

PO Inman testified that he told § 87(2)(b) on the scene, “Meet us at the precinct because you have to make a complaint.” § 87(2)(b) did not want to go to the stationhouse, but PO Inman and other officers explained that they could not arrest § 87(2)(b) without a statement from § 87(2)(b) at the stationhouse. § 87(2)(b) agreed to go to the stationhouse. PO Inman said he never had § 87(2)(b)’s identification and did not see PO Fyffe with the identification. He said that PO Fyffe asked § 87(2)(b) for identification at some point, but PO Inman did not recall § 87(2)(b)’s response or whether he complied. He did not hear § 87(2)(b) ask any officer for his identification.

Sgt. Garcia thought he may have spoken with § 87(2)(b) but did not recall the details of the conversation. He did not recall whether he or any officer ever had § 87(2)(b)’s identification on the scene. He did not recall § 87(2)(b) asking any officer for his identification. He did not recall § 87(2)(b) saying that he did not want to go to the stationhouse.

PO Wright did not have an independent recollection of the incident. He did not recall § 87(2)(b) asking for his identification or saying he did not want to go to the stationhouse.

The investigation was unable to identify any other officers who may have witnessed the incident. The investigation was unable to contact § 87(2)(b).

§ 87(2)(g)

Allegation B – PO Sean Inman threatened to arrest § 87(2)(b)

Whether PO Inman threatened to arrest § 87(2)(b) is in dispute.

§ 87(2)(b) stated that as he walked to the stationhouse with PO Inman and approximately five other officers, he said, “I know the station is a few blocks away from here, but I have something else to do.” PO Inman replied, “Well if you don’t come with us, then we will arrest you for making a false complaint.” § 87(2)(b) said, “How are you going to arrest me for making a false complaint? You can see that my complaint is real. You searched the individual. You found the weapon. How could I be then arrested for a false complaint?” PO Inman said, “If you do not come with us right now, then you will be arrested.” § 87(2)(b) continued walking with the officers to the stationhouse.

PO Inman testified that as he walked to the stationhouse with § 87(2)(b) and PO Fyffe, § 87(2)(b) said he was upset that he had to go to the stationhouse. He thought that making an allegation against § 87(2)(b) was sufficient. PO Inman explained to § 87(2)(b) that § 87(2)(b) could not be arrested without an official complaint from § 87(2)(b). PO Inman told § 87(2)(b) that if he did not want to make a complaint, he did not have to, and the officers would release § 87(2)(b). § 87(2)(b) then continued walking with the officers to the stationhouse. PO Inman noted in his CCRB statement that § 87(2)(b) could not have been arrested for refusing to go to the stationhouse.

The investigation was unable to determine which officers, if any, accompanied § 87(2)(b) and PO Inman as they walked to the stationhouse. PO Fyffe testified that he rode to the stationhouse in the van with § 87(2)(b). § 87(2)(b) also said that PO Fyffe was not among the officers who walked him back. Sgt. Garcia testified that he walked back to the stationhouse alone, before § 87(2)(b). He did not recall hearing any officer threaten to arrest § 87(2)(b). PO Wright drove § 87(2)(b) back to the stationhouse. He did not walk back with § 87(2)(b) and did not recall hearing an officer threaten to arrest him. The investigation was unable to identify any other possible witness officers.

§ 87(2)(g)

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Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date